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Attorneys for Defendants CITY OF FAIRFIELD,
CHIEF OF POLICE WILLIAM GRESHAM,
POLICE OFFICERS MARK SCHRAER,
CHAD TIGERT and STEVE TROJANOWSKI, JR.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARQUES PHILLIPS and CYNTHIA M.
PHILLIPS,

Plaintiffs,

vs.

CITY OF FAIRFIELD, CHIEF OF POLICE
WILLIAM GRESHAM and Does 1 through 10,
MARK SCHRAER, CHAD TIGERT AND
STEVE TROJANOWSKI, JR. and Does 11
through 20,

Defendants.

) CASE NO: CIV-S-04-0377 FCD PAN

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**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION TO STAY
PROCEEDINGS**

DATE: April 15, 2005

TIME: 10:00 a.m.

DEPT: 2

JUDGE: Honorable Frank C. Damrell, Jr.

Trial Date: September 13, 2005

1 The City of Fairfield, Police Chief William Gresham, Police Officers Mark Schraer, Chad
2 Tigert and Steve Trojanowski hereby objects to Plaintiffs' Request to Stay Proceedings Until
3 Plaintiffs Find New Counsel. Defendants do not object to Plaintiffs' attorney's Motion to
4 Withdraw as Counsel, however, granting a stay, especially an indefinite one, at this point in the
5 litigation would be prejudicial to Defendants.

6 Plaintiffs filed this action against Defendants on March 5, 2004. The complaint was made
7 up of three causes of action alleging civil rights violations and nine state law claims. On January
8 6, 2005 Plaintiffs stated that they needed more time due to unstated difficulties with their case.
9 All parties stipulated to extend discovery, motion hearing cut-off and trial dates. The parties
10 agreed that discovery would cut off on March 21, 2005, dispositive motions would be heard on
11 May 13, 2005, the pretrial conference would be July 8, 2005, and trial would be August 1, 2005.
12 (See Stipulation attached as Exhibit A to the Declaration of Jennifer C. Addams.) On January 14,
13 2005 the order confirming these dates was signed by Judge Frank C. Damrell. (See Order attached
14 as Exhibit B to the Declaration of Jennifer C. Addams.) Discovery was cut off on March 21, 2005
15 with the exception of Plaintiff Marques Phillips' Independent Medical Examination which he has
16 agreed to reschedule after missing his first scheduled one.

17 Plaintiffs participated equally in this stipulation and have had these dates for over three
18 months. Defendants acknowledge that Plaintiffs apparently have not been getting along with their
19 attorney. Plaintiffs, however, were aware that there were problems as early as January 2005,
20 which was the same time they were agreeing to the new dates as set forth above. Defendants,
21 however, have not known of these problems until now and have been diligently proceeding with
22 this action pursuant to the mutually agreed upon stipulation. Defendants have taken the Plaintiffs
23 depositions, completed written discovery and have prepared a motion for summary judgment.
24 Any stay of these proceedings will severely prejudice Defendants who have been moving forward
25 with this action to the best of their ability. In fact, Plaintiffs have not given any reasons as to why
26 a stay is necessary this late in the litigation. More troubling, however, is the fact that Plaintiffs
27 have not indicated for how long they wish the stay to last. For these reasons Defendants
28 respectfully request that a stay not be granted and that this case be allowed to proceed in a timely

1 manner, at least for purposes of a hearing on the Motion for Summary Judgment. If the Court
2 however, sees fit to grant a continuance, Defendants request that it be of a fairly short duration,
3 such that their motion for summary judgment can be heard, and hopefully the matter concluded.

4 Dated: April 5, 2005

Respectfully submitted,

5 MEYERS, NAVE, RIBACK, SILVER & WILSON
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7 By: _____/s/_____

8 Jennifer C. Addams

9 Attorneys for Defendant s CITY OF FAIRFIELD,
10 POLICE CHIEF WILLIAM GRESHAM, POLICE
11 OFFICERS MARK SCHRAER, CHAT TIGERT
AND STEVE TROJANOWSKI, JR.

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